PTO

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
TRUONG, LECHI

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/075,633</td><td>Applicant(s)
SUTTON ET AL.</td></tr>
<tr><td>Examiner
LeChi Truong</td><td>Art Unit
2194</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-48 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims **1-4, 6-8, 10-13, 17, 19, 20-21, 23-33, 34-35** are rejected under 35 U.S.C. 103(a)

as being unpatentable over Mangipudi (US. Paten 6,728,748 B1) in view of Sashino et al (US.

Patent 6,701,323 B2) and further in view of Sugimoto el al (US. Patent 6,839,723).

As to claim 1, Mangipudi teaches the invention substantially as claimed including: a

controller (routing host, e.g in the form of a TPC router, col 4, ln 36-40/ ln 51-56/ col 7, ln 55-

60/ Fig. 2), a plurality of unique sets (three groups may be defined called Gold, Silver and

Bronze, col 7, ln 30-33/ Grouping service hosts into clusters, along with recognizing and

categorizing traffic based upon their domain of origin, URL, transactions, service or protocol,

Source or Destination IP address... user name, col 7, ln 35-40), at least one device(five devices,

col 7, ln 30-33), each set comprising a grouping of at least one device a grouping of at least one

computing device(col 7, ln 35-40), maintaining a plurality sets at controller, a grouping of at

least lest one computing device (col 7, ln 13-20/ ln 55-60/ fig. 2/3), a selection(a predetermine

criteria, col 9, ln 35-40/a selected load balancing, col 10, ln 40-50/ the police engine, col 9, ln 65-67 to col 10, ln 1-5), providing at the controller a selection corresponding to at least one computing device (col 9, ln 35-40/ ln 65-67 to col 10, ln 1-5/ ln 40-45).

Mangipudi does not explicitly teach providing at the controller a job corresponding to at least one operation to perform on the selection, sending a message, the message instructing the computing device that receives the message to execute the job, at the controller storing results of the job from each computing device. However, Sashino teaches providing at the controller a job corresponding to at least one operation to perform on the selection (the server machine selector 212-a receive a request message 700 from the receive port 211-a and selects its local server-run computer that performs the task of execution of the request method, col 5, ln 49-50/ col 10, ln 59-64), sending a message (issuing a request message 700 in which a method name 730 is specified, the requirement for the server-run computer 200-1 or 220-b to execute the method, col 8, ln 6-10), the message instructing the computing device that receives the message to execute the job (a method name 730 form the request message 700 which is presented to identify the object to be invoked and the method to be executed, col 3, ln 50-55), at control storing information after execution of the job from each computing device(the object writing section 314 receives the object data identifier, the object data fixed after the method execution... the data writing section 315 saves the object data fixed after the method execution in the object data 340, col 6, ln 49-54/ col 6, ln 15-21).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Mangipudi and Sashino because Sashino's sending a message, the message instructing the computing device that receives the message to execute the

job, at the controller storing results of the job from each computing device would improve the

efficiency of Mangipudi and Sashino's systems by allowing the load balancing feature with easy

addition and expansion of objects to run on a sever-run computer.

Mangipudi, Sashino do not explicitly teach store result. However, Sugimoto teaches store

result (the return information receiving area 60 is an area for storing the response message

received from server, col 12, ln 12-15).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Mangipudi, Sashino and Sugimoto because Sugimoto's

store result would improve the flexibility of Mangipudi , Sashino and Sugimoto's systems by

allowing system to save the return information for late user.

As to claim 2, Sashino teaches providing data corresponding to at least one set of

computing device (col 3, ln 50-58).

As to claim 3, Sashino teaches a script to run on the selection (col 15, ln 22-28).

As to claim 4, Sashino teaches binary program (col 5, ln 1-5).

As to claim 6, Sashino teaches executing the job in response to the message (col 3, ln 55-

59).

As to claims 7 and 8, they are apparatus claims of claims 3 and 4; therefore, they are

rejected for the same reasons as claims 3 and 4 above.

As to claim 10, Sahino teaches the controller discovery information indicating that a

node-computing device is operational so as to be controlled by the controller (col 5, ln 40-45).

As to claim 11, Sahino teaches recognizing the node-computing device is already

controlled by the controller (if there is not room, col 5, ln 40-45).

As to claim 12, Sahino teaches recognizing that the node computing the controller does

not control device, and controlling the node-computing device (col 6, ln 20-24).

As to claim 13, Sahino teaches adding information identifying the node-computing

device (col 6, ln 38-40), a data store maintained by the controller (col 4, ln 56-60).

As to claim 17, Mangipudi teaches a controller (routing host, e.g in the form of a TPC

router, col 4, ln 36-40/ ln 51-56/ col 7, ln 55-60/ Fig. 2), a plurality of unique sets (three groups

may be defined called Gold, Silver and Bronze, col 7, ln 30-33/ Grouping service hosts into

clusters, along with recognizing and categorizing traffic based upon their domain of origin, URL,

transactions, service or protocol, Source or Destination IP address... user name, col 7, ln 35-40),

schema (selectable load distribution, col 4, ln 53-56), at least one set object each set object

identifying a group of at least one computing node(Clusting service hosts into groups based on

service level metrics, col 7, ln 52-54/ defining a threshold setting an acceptable range for each a

plurality of service level metrics and reconfiguring said at least said first cluster and second

cluster in response to a determination that at least one of said plurality of selected service level

metrics, col 16, ln 20-25/ col 4, ln 53-56), each computing node group together via a set object

(col 7, ln 50-55) and Sashino teaches each device object identifying a computing node (the

server machine identifier, col 8, ln 36-43), schema (the load table 214, col 5, ln 65-67 to col 6, ln

1-3/ the data object table 340, col 7, ln 59-65/ the load table 600, col 8, ln 36-41/ load balancing

schema, col 11, ln 5-8), a job corresponding to at least one operation to be executed (the server

machine selector 212-a receive a request message 700 from the receive port 211-a and selects its

local server-run computer that performs the task of execution of the request method, col 5, ln 49-

50/ col 10, ln 59-64).

As to claims 19, 20, Mangipudi teaches adding / remove a device to a set (col 14, ln 21-30).

As to claim 21, Saito teaches the set object include method for running a job on the set (col 7, ln 37-43/ col 8, ln 9-15).

As to claim 23, Sashino teaches a job invocation object that is created wherein when the job is executed (col 4, ln 25-32/ col 8, ln 9-15).

As to claim 24, Sashino teaches an alerts object for communicating information from computing node the to the controller (col 4, ln 25-32).

As to claim 25, it is an apparatus claim of claim 1; therefore, it is rejected for the same reasons as claim 1 above. In additional, Sashino teaches agent software (the object invocation unit, col 3, ln 55-59/ Fig. 1), a transport (col 3, ln 20-27) and Sashino teaches each device object identifying a computing node (col 4, ln 40-42), each set object identifying a group (col 2, ln 50-55), each computing node group together via a set object (col 4, ln 50-56), schema (the load table 214, col 5, ln 65-67 to col 6, ln 1-3/ the data object table 340, col 7, ln 59-65/ the load table 600, col 8, ln 36-41/ load balancing schema, col 11, ln 5-8), a job corresponding to at least one operation to be executed (the server machine selector 212-a receive a request message 700 from the receive port 211-a and selects its local server-run computer that performs the task of execution of the request method, col 5, ln 49-50/ col 10, ln 59-64).

As to claim 26, Sugimoto teaches interface configured to provide access to information in the data store (col 12, ln 16-21).

As to claim 27, Sashino teaches an execution engine at the node computer, the agent software communicating with the execution engine to perform the at least one-operation corresponding to the job (col 3, ln 53-59).

As to claims 28-29, they are apparatus claims of claims 3, 4; therefore, they are rejected for the same reasons as claims 3, 4 above.

As to claims 30-33, Sashino teaches special operation, a reboot operation; suspend operation, shutdown operation (col 3, ln 50-55/ Fig. 6).

As to claims 34-35, they are apparatus claims of claims 10, 14; therefore, they are rejected for the same reasons as claims 10, 14 above

3.   Claims **5, 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi (US. Paten 6,728,748 B1) in view of Sashino et al (US. Patent 6,701,323 B2) in view of Sugimoto el al (US. Patent 6,839,723), as applied to claim 1 above, and further in view of Toga (US. Patent 5,987,504).

As to claim 5, Mangipudi, Sashino and Sugimoto do not explicit teach a network address. However, Toga teaches a network address (user@company.com sz>1000, fig. 4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Mangipudi, Sashino, Sugimoto and Toga because Toga's network address would improve the use of Mangipudi, Sashino, Sugimoto's systems by delivering of data or information between a server and client user that overcomes the aforementioned problems.

As to claim 9, Toga teaches retrieving the program based on a network address in the

message (col 3, ln 64-68).

4.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi (US.

Paten 6,728,748 B1) in view of Sashino et al (US. Patent 6,701,323 B2), in view of Sugimoto el

al (US. Patent 6,839,723), as applied to claim 1 above, and further in view of Choquier et al (US.

Patent 5,774,668).

As to claim 14, Mangipudi, Sashino and Sugimoto do not teach automatically

configuring the node-computing device based on receiving the discovery information. However,

Choquier teaches configuring the node-computing device based on receiving the discovery

information (If the average load is greater than the predetermined maximum, a server 120 will be

added to the service group, col 24, ln 25-30).

.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Mangipudi, Sashino, Sugimoto and Choquier because

Choquier's automatically configuring the node computing device based on receiving the

discovery information would improve flexibility of Mangipudi, Sashino, Sugimoto's systems

allowing additional servers to be efficiently added to the network.

5.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi (US.

Paten 6,728,748 B1) in view of Sashino et al (US. Patent 6,701,323 B2) in view of Sugimoto el

al (US. Patent 6,839,723), as applied to claim 1 above, and further in view of Ludwig et al

(6,789,105 b2).

As to claim 15, Mangipudi, Sashino and Sugimoto do not teach collecting the results in

storage. However, Ludwig teaches collecting the results in a storage (the resulting information is

stored in the conventional file that can late be retrieved, col 28, ln 65-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Mangipudi, Sashino, Sugimoto and Ludwig because

Ludwig's collecting the results in storage would increase the use of Mangipudi, Sashino,

Sugimoto's systems by storing and replaying a user's interface actions.

6.   Claims **16, 18, 38, 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mangipudi (US. Paten 6,728,748 B1) in view of Sashino et al (US. Patent 6,701,323 B2) in view

of Sugimoto el al (US. Patent 6,839,723), as applied to claim 1 above, and further in view of C.

Mohan (Exotica: A Project on Advanced Transaction Management and Workflow System).

As to claim 16, Mangipudi, Sashino and Sugimoto do not teach persisting results.

However, Mohan teaches persisting results (record in stable storage the results, sec: 3.4, ln 8-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Mangipudi, Sashino, Sugimoto and Mohan because

Mohan's persisting results would improve the efficiency of Mangipudi, Sashino and Sugimoto's

systems by making communication between client and server more consistent.

As to claim 18, Mangipudi, Sashino and Sugimoto do not teach job log object. However, Mohan teaches job log object (sec: 3.4, ln 8-9).

As to claim 38, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Mohan teaches logging the result (section: 3.4, ln 8-9).

As to claim 40, Sugimoto teaches analyzing the result (col 3, ln 1-4).

7.   Claim **41** is rejected under 35 U.S.C. 103(a) as being unpatentable Mangipudi (US. Paten 6,728,748 B1) in view of Sashino et al (US. Patent 6,701,323 B2) in view of Sugimoto el al (US. Patent 6,839,723), as applied to claim 1 above, in view of C. Mohan (Exotica: A Project on Advanced Transaction Management and Workflow System) and further in view of Perlman et al (US. 5,978,381).

As to claim 41, Mangipudi , ugimoto and Mohan do not teach the operation failed on a given computing device, requesting that performance of the operation be retried on that computing device. However, Perlman teaches the operation failed on a given computing device, requesting that performance of the operation be retried on that computing device (client devices receiving multicast data streams all suffer from 10 data errors, there will be 10 million retry requests to content sever 210, col 12, ln 59-66).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Mangipudi, Sashino, Sugimoto, Mohan and Perlman because Perlman's the operation failed on a given computing device, requesting that performance of the operation be retried on that computing device would increase the efficiency

of Mangipudi, Sugimoto, Mohan's systems by providing more efficient correction of sporadic

transmission errors.

8.   Claims **42-47 are** rejected under 35 U.S.C. 103(a) as being unpatentable over Rabinovich

et al (6,125,394) in view of Jindal et al (US. Patent 6,324,580 B1) and further in view of

Mangipudi (US. Paten 6,728,748 B1).

     As to claim 42, Rabinovich teaches editing the set to add at least one controlled

computing device to the set (col 2, ln 65-67/ col 5, ln 4-7), storing the set (col 4, ln 45-50/ ln 57-

60), at the controller, using the set to control each controlled computing device of the set (col 5,

ln 4-8).

     Rabinovich does not explicit teach define plurality of sets. However, Jindal teaches

plurality of set (server farm 400, server farm 410, col 8, ln 55-65/ Fig. 4/ server 402, 404 in

server farm 400, col 8, ln 58-62).

     It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Rabinovich and Jindal because Jindal's define plurality of

sets would improve the flexibility of Rabinovich's system by providing the multiple servers in

order to satisfy the client's requests.

     Rabinovich and Jindal do not teaches a plurality of unique sets. However, Mangipudi

teaches the invention substantially as claimed including: a plurality of unique sets (three groups

may be defined called Gold, Silver and Bronze, col 7, ln 30-33/ Grouping service hosts into

clusters, along with recognizing and categorizing traffic based upon their domain of origin, URL,

transactions, service or protocol, Source or Destination IP address... user name, col 7, ln 35-40)

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Rabinovich, Jindal and Mangipudi because Mangipudi's

define plurality of unique sets would improve the flexibility of Rabinovich and Jindal 's systems

by allowing network level Cos protocols to guarantees the delivery of end to end policy metrics

of a policy enabled network.

As to claim 43, Rabinovich teaches editing the set to remove at least one controlled

computing device from the set (col 5, ln 4-8).

As to claim 44, Rabinovich teaches defining a set comprises, identifying a set object (col

2, ln 54-56).

As to claim 45, Rabinovich teaches calling a method of the set object (col 5, ln 26-29).

As to claim 46, Rabinovich teaches storing the set on a data store accessible to the

controller (col 4, ln 40-49).

As to claim 47, Rabinovich selecting the set (col 2, ln 54-58), and instructing the

controller to perform an operation to the set (col 4, ln 39-45), the controller communicating with

each computing device in the set to request performance of the operation (col 5, ln 26-29).

9.   Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabinovich et al

(6,125,394) in view of Jindal et al (US. Patent 6,324,580 B1), in view of Mangipudi (US. Paten

6,728,748 B1), as applied to claim 42 above, and further in view of Sugimoto.

As to claim 48, Rabinonvich, Jindal and Mangipudi do not teach store result. However,

Sugimoto teaches store result (the return information receiving area 60 is an area for storing the

response message received from server, col 12, ln 12-15).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Jindal, Sashino, Mandipudi and Sugimoto because

Sugimoto's store result would improve the flexibility of Rabinonvich, Jindal, Mandipudi 's

systems by allowing the system to save the return information for late user.

10.   Claims **22, 36-37, 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mangipudi (US. Paten 6,728,748 B1) in view of Sashino et al (US. Patent 6,701,323 B2), in view

of Sugimoto el al (US. Patent 6,839,723), as applied to claim 1 above, and further in view of

Rabinovich et al (US. Patent 6,324,580 B1).

As to claim 22, Mangipudi, Sashino and Sugimoto do not teach device object includes

association to other objects. However, Rabinovich teaches the device object includes association

to other objects (col 2, ln 50-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Mangipudi, Sashino, Sugimoto and Rabinovich because

Ranbinovich's device object includes association to other objects would improve the flexibility

of Mangipudi, Sashino and Sugimoto's systems by allowing a mechanism for handing a resource

that has no history because maintaining the history for all resource is too difficult or expensive.

As to claims 36, 37, Rabinovich teaches each node includes a discovery component for

automatically providing the discovery information, each node automatically provides the

discovery information following a reboot of that node (col 5, ln 40-46).

As to claim 39, Rabinovich teaches arranging the plurality of computing devices into the

set (col 6, ln 39-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

April 13, 2006

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER